

REMARKS

Claims 68, 73, 77 and 80-82 have been rejected under 35 USC §102(b) as being anticipated by Willis (2,590,138). Claims 68-69, 73-74, 77, 80 and 101 have been rejected under 35 USC §102(b) as being anticipated by Kriesel (5,743,879). Claims 68, 73, 77, 80-81 and 101 have been rejected under 35 USC §102(b) as being anticipated by Wilmot (5,391,151). Lastly, claims 76 and 102 have been rejected under 35 USC §103(a) as being unpatentable over Wilmot. For the reasons that follow, Applicant traverses these prior art bases for rejecting the pending claims in this application, as amended.

Willis discloses a dispenser for pharmaceutical formulations in the nature of liquids, semi-liquids, jellies, creams and powders, and particularly relates to dispensers adopted to the application of such pharmaceutical formulations into existing body cavities. (See column 1, lines 1-7). Willis does not disclose a propulsion system propelling a fluid with sufficient pressure through an orifice that is sized to create jet enabling subcutaneous or intracutaneous delivery of a fluid. Referring to Figure 3 of Willis, it is clear that the pharmaceutical composition 9 illustrated is not moving at a jet enabled speed and is not otherwise capable of being introduced subcutaneously or intracutaneously. Thus, this element of amended claim 68 is totally missing from the Willis reference.

Secondly, the Examiner has likened spring 17 of Willis to an elastic solid. Although a spring may be elastic it is certainly not a solid as that word is used in common English language. The spring illustrated in figures 2 and 3 of Willis clearly are not solids residing within dispenser 1. Therefore, Applicant asserts that the Examiner has

inappropriately referred to a spring as an elastic solid as used by Applicant in its common meaning in the English language.

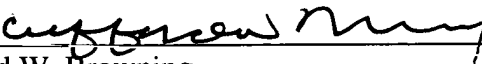
Turning now to Kriesel, as was the case with the Willis reference, Kriesel does not disclose a propulsion system that propels a fluid with sufficient pressure through an orifice that is sized to create jet enabling subcutaneous or intracutaneous delivery of a fluid. Thus this element of amended claim 68 is totally missing from the Kriesel reference.

Turning lastly to Wilmot, as was the case with the Willis and Kriesel references, Wilmot does not disclose a propulsion system for propelling a fluid with sufficient pressure through an orifice that is sized to create jet enabling subcutaneous or intracutaneous delivery of a fluid. Thus this element of amended claim 68 is totally missing from the Wilmot reference.

Turning lastly to the rejection of claims 76 and 102 under 35 USC §103(a), the Examiner cites the Wilmot reference, again, arguing that it would have been obvious to a person of ordinary skill in the art to modify the Wilmot reference to provide for a jet-enabled subcutaneous or intracutaneous delivery of a fluid without a needle. Indeed the Wilmot invention requires a needle. The Wilmot reference has nothing to do whatsoever with jet-enabled subcutaneous or intracutaneous delivery of a fluid, but has everything to do with the use of a conventional needle.

For all these foregoing reasons, Applicant respectfully requests entry of the foregoing amendments, reconsideration of this application in light thereof, and then allowance of amended claims 68, 69, 73, 74, 76, 77, 80-82, 101 and 102 over all the prior art of record.

Respectfully submitted,

By: 
Clifford W. Browning
Reg. No. 32,201
Woodard, Emhardt et al. LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456

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